

Castel, J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JESSICA FRANQUI,

Plaintiff,

v.

**MARCUS BOLTON, TULLETT PREBON
AMERICAS CORP., TULLETT PREBON
(AMERICAS) HOLDING INC. and
TULLETT PREBON PLC,**

Defendants.

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Case No. 10-cv-7391 (PKC)(HBP)

STIPULATION AND ORDER

WHEREAS, on August 5, 2010, plaintiff Jessica Franqui filed a Summons and Complaint in the Supreme Court of the State of New York, County of New York, and on September 27, 2010, Defendants filed a Notice of Removal of Action Pursuant to 28 U.S.C. §1332 to remove the action to this Court; and

WHEREAS, On October 4, 2010, Defendants filed a Partial Motion to Dismiss seeking to dismiss the Second and Fourth Counts Two, Four, Six, Seven and Eight of the Complaint (the "October 4 Motion"); and

WHEREAS, on October 8, 2010, this Court issued an order stating that "Plaintiff should consider withdrawing or repleading the claims addressed in the [October 4 Motion]"; and

WHEREAS, on October 25, 2010, plaintiff filed an Amended Complaint; and

WHEREAS, on November 16, 2010, defendant Marcus Bolton filed a Partial Motion to Dismiss seeking to dismiss Counts Ten and Eleven of the Amended Complaint, with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;


WHEREAS, on December 7, 2010, plaintiff filed a Memorandum of Law in Opposition to Defendant Bolton's Partial Motion to Dismiss, in which plaintiff agreed to

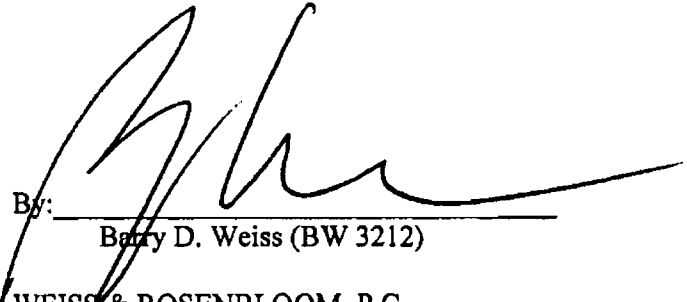
withdraw Count Ten of the Amended Complaint, but opposed dismissal of Count Eleven of the Amended Complaint; and

NOW THEREFORE, it is hereby stipulated and agreed, by and between Jessica Franqui ("Plaintiff") and Marcus Bolton ("Defendant Bolton") (together, the "Parties"), the undersigned parties herein, as follows:

1. Count Ten of the Amended Complaint, which asserts a claim of intentional infliction of emotional distress as against Defendant Bolton, is dismissed with prejudice.
2. Defendant Bolton hereby withdraws his Motion to Dismiss Count Eleven of the Amended Complaint, which asserts a claim for sexual battery as against Defendant Bolton.
3. This Stipulation and Order may be signed in counterparts with facsimile signatures treated as originals.

Dated: December 14, 2010

By: 
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SO ORDERED on December 16, 2010:



12-16-10